



FAMILIES FIRST CORONAVIRUS RESPONSE ACT DECISION CHART

COVID-19 SCENARIO	LEAVE UNDER THE EMERGENCY PAID SICK LEAVE ACT	LEAVE UNDER THE EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT	EMPLOYEE'S ACCRUED SICK LEAVE (FAMILY SICK LEAVE (80 hours) INCLUDED)	EMPLOYEE'S ACCRUED ANNUAL LEAVE OR COMPENSATORY TIME
Employee is working their scheduled hours remotely	NO	NO	NO (unless ill)	YES (if needed)
Employee is able to work remotely but not able to work all scheduled hours due caring for an individual who has been required by Fed/State/Local order OR advised by healthcare provider to self-quarantine	YES (80 hours or 2 weeks as 2/3 regular rate, may be taken intermittently)	NO	YES (may use family sick leave to supplement the 2/3 pay)	YES (may use annual leave or compensatory time to supplement the 2/3 pay)
Employee is unable to work due to caring for an individual who has been required by Fed/State/Local order OR advised by healthcare provider to self-quarantine	YES (80 hours or 2 weeks at 2/3 regular rate)	NO	YES (may use family sick leave to supplement the 2/3 pay)	YES (may use annual leave or compensatory time to supplement the 2/3 pay)
Employee is able to work remotely but not able to work all scheduled hours due to providing care for son/daughter under 18 years of age because of school or daycare closure for public health reason	YES (80 hours or 2 weeks as 2/3 regular rate, may be taken intermittently)	YES (at 2/3 regular rate for remaining 10 weeks or 400 hours, may be taken intermittently)	NO	YES (may use annual leave or compensatory time to supplement the 2/3 pay)
Employee is unable to work any hours due to providing care for son/daughter under 18 years of age because of school or daycare closure for public health reason	YES (80 hours or 2 weeks at 2/3 regular rate)	YES (at 2/3 regular rate for remaining 10 weeks)	NO	YES (may use annual leave or compensatory time to supplement the 2/3 pay)

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Employee is able to work their scheduled hours remotely and has been required by Fed/State/Local order OR advised by healthcare provider to self-quarantine	NO	NO	NO (unless ill)	YES (if needed)
Employee is unable to work remotely and has been required by Fed/State/Local order OR advised by healthcare provider to self-quarantine	YES (full pay at regular rate up to 80 hours)	NO	YES (may use after Emergency Paid Sick Leave has been exhausted, if needed)	YES (may use after Emergency Paid Sick Leave has been exhausted, if needed)
Employee has COVID-19 symptoms and seeking medical diagnosis from healthcare provider or has a confirmed case of COVID-19	YES (full pay at regular rate up to 80 hours)	NO	YES (may use after Emergency Paid Sick Leave has been exhausted, if needed)	YES (may use after Emergency Paid Sick Leave has been exhausted, if needed)
Employee is reporting ill but is not seeking any diagnosis and/or has not been advised to self-quarantine or isolate	NO	NO	YES	YES
Employee is unable to work remotely, does not have COVID-19 symptoms or been exposed to COVID-19, but has been advised by a healthcare provider to self quarantine because the employee is particularly vulnerable to COVID-19	YES (full pay at regular rate up to 80 hours)	NO	YES (may use after Emergency Paid Sick Leave has been exhausted, if needed)	YES (may use after Emergency Paid Sick Leave has been exhausted, if needed)

Notes:

- The Families First Coronavirus Response Act (FFCRA) offers two types of paid leave, Emergency Paid Sick Leave (EPSL) and the Emergency Family & Medical Leave Expansion Act (EFMLEA). Paid leave under the FFCRA is temporarily available from April 1, 2020 to December 31, 2020.
- For emergency paid sick leave, part-time employees are eligible for the number of hours of leave that the employee works on average over a two-week period.
- An employee qualifies for leave under the EFMLEA if the employee is caring for a child whose school or daycare is closed or unavailable due to reason related to COVID-19. The leave taken under the EFMLEA counts towards the employee's FMLA entitlement of 12-weeks of leave in an agency's defined 12-month period. An employee that uses EPSL to care for child due to a school or daycare closure would only get 80 hours if they had already used 10 or more weeks of FMLA entitlement.

- Calculation of pay:
 - Employees are sick: For employees who are subject to a Federal, State, or local quarantine or isolation order related to COVID-19; or have been advised by a health care provider to self-quarantine related to COVID-19; or are experiencing COVID-19 symptoms and are seeking a medical diagnosis; employees taking emergency paid sick leave shall be paid at either their regular rate up to \$511 per day and \$5,110 in the aggregate (over a 2-week period). For leave under the Emergency Paid Sick Leave Act: If the employee's regular rate is above \$511 per day, the employee may supplement with accrued annual and or sick leave.
 - Employees caring for an individual who is sick: For employees who are caring for an individual subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or have been advised by a health care provider to self-quarantine related to COVID-19; employees taking emergency paid sick leave should be paid at 2/3 their regular rate up to \$200 per day and \$2,000 in the aggregate (over a 2-week period); which may be supplemented with the employees accrued annual or sick leave.
 - Employees caring for children under the age of 18 whose school or daycare is closed due to a COVID-19 related reason: employees taking leave shall be paid at 2/3 their regular rate up to \$200 per day and \$12,000 in the aggregate (over a 12-week period—two weeks of emergency paid sick leave (if available, otherwise annual leave or unpaid) followed by up to 10 weeks of paid expanded family and medical leave) which may be supplemented with accrued annual leave.



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